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REMARKS

The Final Office Action dated January 19, 2007 has been received and carefully noted. Claims 1-30 were examined. Claims 1-7, 11-17 and 21-27 are rejected under 35 U.S.C. § 102 and claims 8-10, 18-20 and 28-30 are rejected under 35 U.S.C. § 103.

Claims 1-30 remain pending in the application.

Reconsideration of the pending claims is respectfully requested in view of the following remarks.

I. Claims Rejected Under 35 U.S.C. § 102

Claims 1-7, 11-17 and 21-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,085,170 to Tsukuda ("*Tsukuda*"). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *MPEP* § 2131. Applicants respectfully submit that each and every element in independent claims 1, 11 and 21 is not set forth in the cited reference.

As for independent claims 1, 11 and 21, Examiner points to column 4, lines 3-9 of *Tsukuda* suggesting that it discloses the limitation "determining a deviation between the new delivery schedule and a confirmed delivery schedule from the customer." *See Office Action, page 2*. Applicants respectfully disagree that *Tsukuda* suggests this. This section of *Tsukuda* merely suggests different names for the same "commodities or goods" based on the viewpoint of different entities that may be involved in a transaction. Even Examiner concedes this point in the Office Action (*Office Action, page 2*). The other section, column 5, lines 49-67, and FIG. 3 that Examiner uses to support this argument also fails to clarify how having different names for "commodities or goods" help to determine a deviation between the new delivery schedule and a confirmed delivery schedule from the customer. The section merely explains a step in "obtaining the earliest one of the scheduled date and time for delivery from a list of scheduled date and time for delivery and schedule information" (*Tsukuda, Column 5, lines 49-52*).

Also, in the Response to Arguments section, Examiner implies that the "determining scheduled date and time for delivery...from a schedule information of a delivery information of each area of the distributor and a schedule information of the purchaser" is equivalent to "determining a deviation between the new delivery schedule and a confirmed delivery schedule from the customer" (*Office Action, page 5*). Applicants respectfully disagree with this

characterization. *Tsukuda* describes determining date and time of delivery based upon the purchaser's schedule. There is no calculation or process to find the difference between the current schedule provided by the purchaser and the previously confirmed schedule given to the purchaser. Thus, it does not teach or suggest means for determining a deviation between the new delivery schedule and a confirmed delivery schedule.

Similarly, contrary to the Examiner's contention, *Tsukuda* does not disclose the element "determining if a new schedule is eligible for further consideration." Column 9, lines 56-63 of *Tsukuda*, which the Examiner points to for support of his contention, discloses that the difference between the two tables in FIG. 4 and FIG. 14 is the addition of two columns, "items or columns 'size(s)' and 'necessity of refrigeration of the goods'." This is not equivalent to comparing two like entities for their differences and is not a determination of whether a new schedule is eligible for further consideration. *Tsukuda* merely "adds" to the table without making any decision or analysis (Column 9, line 62). Applicants fail to understand how the two concepts of determining a new schedule and adding columns to a table are equivalent. The Response to Arguments section, which seeks to clarify this rejection, does not explain how a construction of a larger table of delivery goods information that adds two new columns makes a new schedule for these delivery goods eligible for further consideration. It merely repeats the earlier statements without clarifying them any further. Thus, *Tsukuda* does not teach or suggest means for determining if a new schedule is eligible for further consideration.

Also, the limitation "generating a schedule of production resources and inventory that satisfy at least some requirement of the new delivery schedule" in claims 1, 11 and 21 is not disclosed by *Tsukuda* in step 101 of FIG. 1 as asserted by Examiner. Step 101 is just a step for "notifying the personal information server of a list of schedule for delivery by using the delivery information 121 and delivery goods information 122" (Column 4, lines 37-41). Step 101 is a notification step and moreover, the notification informs the personal information server of a list of schedule for delivery. It does not generate a schedule for production resources and inventory. Thus, *Tsukuda* does not teach or suggest means for generating a schedule of production resources and inventory that satisfy at least some requirement of the new delivery schedule.

Moreover, Applicants respectfully submit that reading "confirming the existence of the scheduled" (*Final Office Action*, page 3, line 5) via step 1907 of FIG. 19 as disclosing a confirmation to the customer that the supplier accepts the new delivery schedule takes this phrase

out of its context. In column 12, lines 43-45, the system in *Tsukuda* in step 1907 upon receiving notice of deletion from the client, registers it into the delivery goods information "after confirming the existence of the scheduled date and time in the delivery information." This step verifies that the data to be deleted exists before performing the deletion. Again, Applicants fail to understand the equivalence of these two concepts. Verifying the existence of information in the delivery information before deleting that information inside the system is not equivalent to confirming to the external customer of the acceptance of an order by the supplier. Thus, *Tsukuda* does not disclose any confirmation to the client of the acceptance by the supplier of a new delivery schedule.

If Examiner maintains these rejections, Applicants respectfully request that Examiner provide a fuller explanation for these rejections.

As such, *Tsukuda* does not include each and every element of independent claims 1, 11 and 21. Claims 2-7, 12-17 and 22-27 include all of the limitations of their respective independent claims. Therefore, *Tsukuda* does not anticipate these claims. Accordingly, Applicants respectfully submit that independent claims 1, 11 and 21 and their respective dependent claims are patentable in view of *Tsukuda*.

II. Claims Rejected Under 35 U.S.C. § 103(a)

Claims 8-10, 18-20 and 28-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tsukuda*, and further in view of U.S. Patent Publication 2002/0143605 by Holland et al. ("*Holland*"). To establish a *prima facie* case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) there must be a reasonable expectation of success; and (3) the references when combined must teach or suggest all of the claim limitations. *MPEP* § 2142. Applicants respectfully submit that a *prima facie* case of obviousness has not been established.

Claims 8-10, 18-20 and 28-30 depend from the independent claims 1, 11 and 21 and incorporate the limitations of claim 1, 11 and 21, respectively. Applicants believe that claims 1, 11 and 21 are not taught by *Tsukuda* for reasons mentioned in the above discussion in regard to independent claims 1, 11 and 21. Thus, these claims are not obvious over *Tsukuda*. Also, the combination of *Tsukuda* and *Holland* does not teach or suggest all the elements of the invention.

Tsukuda fails to teach the limitations that are incorporated in claims 8-10, 18-20 and 28-30. Moreover in regard to *Holland*, the Examiner has failed to indicate and Applicants are unable to discern any portion of *Holland* that teach or suggest these elements. Thus, *Holland* does not cure the deficiencies of *Tsukuda*.

Accordingly, Applicants respectfully request that the Examiner withdraw the outstanding 35 U.S.C. § 103(a) rejection as applied to claims 8-10, 18-20 and 28-30 and respectfully submit that these dependent claims are patentable over *Tsukuda* in view of *Holland*.

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CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-30, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

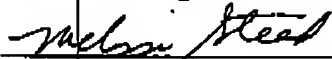
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Melissa Stead

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